

MINUTES
BOARD OF ADJUSTMENT
March 1, 2007

THOSE IN ATTENDANCE:

Gary Soule, Chairman	Jason Jaggi, City Planner
Anne Martin	Kevin O'Keefe, City Attorney
Mel Disney	
Victor Cohen	
Ray Tait	

Chairman Soule called the meeting to order at 5:10 p.m. He welcomed everyone to the meeting, introduced himself and City staff and asked that the other members of the Board introduce themselves.

MINUTES

The minutes of the meeting of January 4, 2007 were presented for approval. Mel Disney asked that the following corrections/clarifications be made to the minutes:

Page 1: The mention of Chairman Soule's introductions was repeated; eliminate one.

Page 2: Paragraph that begins "Mr. Berkowitz distributed...", add the word "City" after "New York" to the sentence that read, in part "originates back to the 1916 New York Ordinance which was...".

Page 5: Paragraph that begins "Rick Bliss stated that if the addition...", change the word "if" to "of" and change "1-foot" to "10-foot".

The minutes were then approved, as amended, after having been previously distributed to each member.

City Attorney O'Keefe announced that after reviewing the circumstances of this case, it was determined that the subject building was developed as a Planned Unit Development (PUD) project; however, the Zoning map does not indicate such, so staff did not immediately recognize the PUD. He advised the members that the PUD Ordinance approving this development trumps the underlying Zoning designation (which, in this case is "HDC") and therefore, it is his opinion that the appropriate process in this case would be to amend the PUD Ordinance as PUD Ordinances have the authority to govern setbacks. He stated the applicant has been informed that the best route is to pursue an amendment to the PUD Ordinance and withdraw this variance application. Kevin stated that the root of the problem here is that the PUD was not depicted on

the Zoning map. He stated the matter would be forwarded to the City's Board of Aldermen via a legislative process to amend the PUD.

Mel Disney asked if a site plan is established.

Kevin O'Keefe indicated that typically, yes, if the plan states where the building is placed; however, in this case, the existing "structure" is a temporary awning which is not consistent with a site plan.

Chairman Soule stated as a matter of procedure, that roll call be taken.

The Recording Secretary took roll call. A full compliment of the Board was noted.

Chairman Soule announced that the only matter on this evening's agenda is a variance request for the property at 7750 Carondelet.

Mr. Patrick Hanon, owner/applicant, announced that he was withdrawing this variance application.

Jason Jaggi noted there will be no meeting in April.

Being no further business for the Board of Adjustment, this meeting adjourned at 5:25 p.m.

Recording Secretary